

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 21, 2004
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:08 a.m. Mayor Murphy recessed the meeting at 10:56 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:03 a.m. with all Council Members present and District 4 vacant. The meeting was recessed by Mayor Murphy at 11:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:11 p.m. with Council Members Peters, Zucchet, and Inzunza not present and District 4 vacant. Mayor Murphy recessed the meeting at 4:01 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:22 p.m. with all Council Members present and District 4 vacant. Mayor Murphy recessed the meeting at 6:09 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:32 p.m. with Council Members Zucchet and Inzunza not present and District 4 vacant. Mayor Murphy recessed the meeting at 7:20 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 7:25 p.m. with Council Member Peters and Mayor Murphy not present and District 4 vacant. Deputy Mayor Atkins adjourned the meeting at 8:01 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) District 4-vacant
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour/Maland (ek/gS)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) District 4-vacant
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on the over \$1 trillion paid on interest on the national debt in the United States.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:20 a.m.)

PUBLIC COMMENT-2:

Leonard Mischley spoke on Proposition 63 which pertains to the Mental Health Services Act and urged the City Council's endorsement of the proposition.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

PUBLIC COMMENT-3:

Noel Nuedeck commented on universal design for the building of affordable housing and how public money is used for these projects.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:24 a.m.)

PUBLIC COMMENT-4:

Jarvis Ross expressed his regret over being unable to attend the City Council's Charles G. Abdelnour Day on September 20, 2004. Mr. Ross also referred to a Chicago newspaper article about San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:28 a.m.)

PUBLIC COMMENT-5:

Carl DeMaio commented on the City's finances and the liability fund and the need for a structurally balanced budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:31 a.m.)

PUBLIC COMMENT-6

Ron Boshun expressed his point of view on the actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:33 a.m.)

PUBLIC COMMENT-7:

Phil Hart commented on the City's finances and the Pension Plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 a.m.)

PUBLIC COMMENT-8:

Sandy Summers expressed his ideas on domestic terrorism.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

PUBLIC COMMENT-9:

Shaun Chamberlin commented on the Ocean Beach Qwikstop project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:41 a.m.)

PUBLIC COMMENT-10:

Ian Trowbridge spoke on the San Diego Data Processing Corporation Contract for Consulting Services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:44 a.m.)

PUBLIC COMMENT-11:

Arleen Freeman made comments regarding the persecution of Falun Gong practitioners in Yanti, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:47 a.m.)

PUBLIC COMMENT-12:

Steve McWilliams from Shelter From the Storm commented on the use of medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

PUBLIC COMMENT-13:

Bernice Sotelo requested the City Council's support in reducing alcohol advertisements during Halloween Week.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Zucchet wished to thank the City Council Offices and others who participated in Coastal Clean Up Day on Saturday, September 18. Mr. Zucchet pointed out that the activity included picking up trash and planting flowers in tree wells. He also thanked all the volunteers who participated.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:55 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

City Attorney Casey Gwinn announced that a notification was received from the National League of Cities that the City of San Diego was the recipient of one of four national awards for Municipal Enrichment which reflects community collaboration work which makes a difference in people's lives. As one of four cities in the United States, San Diego was noted for the Mayor and Council's unanimous support for the creation of the San Diego Family Justice Center and the work done in its behalf. Attorney Gwinn wished to thank Mayor Murphy and the Council for their support and leadership.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:54 a.m.)

ITEM-330: Amending the General Plan and Balboa Park Master Plan-Veterans Memorial Garden.

Matter of approving, conditionally approving, modifying or denying amendments to the General Plan and Balboa Park Master Plan for the incorporation of the Veterans Memorial Garden located at 2115 Park Boulevard.

(See City Manager Report CMR-04-195. Balboa Park Community Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A and B:

Subitem-A: (R-2005-199) ADOPTED AS RESOLUTION R-299666,
WITH DIRECTION

Adoption of a resolution Amending of the General Plan and Balboa Park Master Plan to modify the language relative to the construction of the Veterans Memorial Garden in the Inspiration Point North area of Balboa Park, as reflected in the proposed plan amendments and City Manager's Report.

Subitem-B: (R-2005-200) ADOPTED AS RESOLUTION R-299667

Adoption of a Resolution certifying that the information contained in the Mitigated Negative Declaration LDR No. 27829, on file in the office of the City Clerk, had been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the construction of the Veterans Memorial Garden in the Inspiration Point North area of Balboa Park;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

Planning Commission on July 22, 2004 voted 6-0 to approve; was no opposition.

Ayes: Steele, Ontai, Lettieri, Schultz, Chase, Otsuji
Not present: Garcia

The Balboa Park Committee has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

One of Mayor Murphy's top priorities with regard to Veterans' issues is the construction of a Veterans Memorial Garden in Balboa Park, adjacent to the Veterans Museum and Memorial Center. Funding became available in mid 2003 for design and implementation of a portion of the garden. The Mayor's Veterans Affairs Advisory Board recommended that the first phase of the garden be the Air Garden.

The proposed plan amendments to the Balboa Park master Plan have received unanimous recommendations of approval from the Balboa Park Committee, the Park and Recreation Board's Design Review Committee, the Park and Recreation Board and the Planning Commission.

The City of San Diego, as lead agency under the California Environmental Quality Act (CEQA), has prepared and completed a Mitigated Negative Declaration for the proposed Plan Amendments and General Development Plan. Mitigation measures were prescribed for Archaeological Monitoring and Native American Monitoring.

FISCAL IMPACT:

None with this action.

Herring/Oppenheim/CD

LEGAL DESCRIPTION:

The proposed project is located on approximately one acre of land between the Veterans Museum and Memorial Center and Park Boulevard in the Balboa Park Master Plan Area.

Testimony in favor by Robert Carvenas and Rod Melendez.

FILE LOCATION: LUP-Ammending the General Plan and Balboa Park Master Plan-Veterans Memorial Garden 9/12/04 (65)

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:22 a.m.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION BY COUNCIL MEMBER FRYE TO INCORPORATE THE TERM “ROSIE THE RIVETER” INTO THE DESIGN OF THE AIR GARDEN BY PLACING IT ON THE WEST FACE OF THE PEDESTAL WHICH POINTS TOWARDS CONSOLIDATED AIRCRAFT.

Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: 60th Street Right-of-Way Vacation.

(Southeastern San Diego Encanto Neighborhoods Community Plan Area.
District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-210) RETURNED TO THE CITY MANAGER, WITH
DIRECTION

Adoption of a Resolution approving the right-of-way vacation of a portion of 60th Street from Egret Street to Tooley Street.

CITY MANAGER SUPPORTING INFORMATION:

The 60th Street Right-of-Way Vacation proposes to vacate a “paper” portion of 60th Street between Egret and Tooley Streets in the Southeastern San Diego Planned District in the Encanto Neighborhoods community planning area. The proposed vacation is within SF 10,000 Zone. Due to topography, existing 60th Street was constructed westerly of the paper street. Since through access is currently provided by the existing 60th Street, this “paper” portion of 60th Street is no longer needed. If constructed, the paper portion of 60th Street would provide duplicative public access. The applicant owns the adjacent property and wishes to use the vacated right-of-way for private development. No utility easements are needed for this street vacation. On July 21, 2003, the Encanto Neighborhoods Community Planning Group voted 11-0-0 to recommend approval of the proposed street vacation with no conditions. The project is exempt from CEQA pursuant to Section 15061 (b)(3) of the state CEQA Guidelines (“General Rule” no significant effect). Staff supports the right-of-way vacation because the four required findings can be made as follows:

1. That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. 60th Street has already been built through this area.
2. That the public will benefit from the action through improved utilization of land made possible by the street vacation. The City of San Diego will no longer be responsible for maintenance of the paper street.
3. That the vacation is not inconsistent with the General Plan, an approved Community Plan, or the Local Coastal Program - The portion of the street being vacated is not part of community plan transportation element and would revert to a SESDPD SF 10000 Zone, which is consistent with the community plan land use designation.
4. That the facility for which the right-of-way was acquired will not be detrimentally affected by the street vacation. There are no present or future plans to construct a street in this area.

Staff recommends the City Council approve Right-of-Way Vacation No. 60869.

FISCAL IMPACT:

None. All costs have been paid for by the applicant.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

Loveland/Halbert/MED

FILE LOCATION: STRT-J-2962 (39) 9/12/04

COUNCIL ACTION: (Time duration: 11:25 a.m. – 11:42 a.m.)

MOTION BY ATKINS TO RETURN THE ITEM TO THE CITY MANAGER WITH DIRECTION FROM MAYOR MURPHY THAT THE CITY MANAGER SHOULD WORK WITH THE STAFF FROM DISTRICT 4 TO FURTHER REVIEW THE ASSESSMENT OF MR. WHITE-EAGEL'S PROPERTY THROUGH TOOLEY STREET. IF A DETERMINATION IS NOT REACHED, THIS ITEM SHOULD COME BACK BEFORE THE CITY COUNCIL WHEN A NEW DISTRICT 4 COUNCIL MEMBER IS SEATED. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Creekside Trails.

Matter of the appeal by Amenda B. Caniya of the decision by the Planning Commission in approving staff's recommendations with the addition of two conditions:

1. A condition requiring the installation of a non-contiguous sidewalk with a minimum parkway width of four (4) feet for the planting of street trees between the curb and sidewalk. The non-contiguous sidewalk shall be designed to safely transition into the existing contiguous sidewalk at the western and eastern limits of the projects frontage.
2. A condition requiring the applicant to monitor the projects parking demand, one year from the projects opening, to the satisfaction of the City Engineer. At minimum, the monitoring plan shall include a listing of the number of vehicles registered per dwelling unit and an on-site parking occupancy survey, conducted for a period of at least three days. If demand is found to meet or exceed supply, the applicant shall provide subsidized transit passes or other incentives to reduce the demand to a level at or below the parking supply.

(See City Manager Report CMR-04-202. Otay Mesa-Nestor Community Plan Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to deny the Appeal and grant the Permit; and adopt the resolution in subitem B:

Subitem-A: (R-2005-) DENIED APPEAL AND GRANTED PERMIT,
ADOPTED AS RESOLUTION R-299668

Adopt the Resolution granting or denying the appeal and granting or denying Site Development Permit No. 84104, with appropriate findings to support Council action.

Subitem-B: (R-2005-) ADOPTED AS RESOLUTION R-299669

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND) No. 31925, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said declaration has been reviewed and considered by Council;

Adopting the Mitigation Monitoring and Reporting Program or alterations to implement the changes to the project as required by Council in order to mitigate or avoid significant effects on the environment pursuant to California Public Resources Code Section 21081.6.

OTHER RECOMMENDATIONS:

Planning Commission on June 24, 2004 voted 5-0 to approve; was opposition.

Ayes: Schultz, Otsuji, Ontai, Steele, Garcia
Not present: Lettieri, Chase

The Otay Mesa-Nestor Community Planning Committee has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The 2.78 acre site is located on the south side of Coronado Avenue, between Green Bay Street and Nestor Way, in the RM-1-1 Zone, and the Coastal Height Limit and Transit Overlay Zones, within the Otay Mesa-Nestor Community Planning Area. Interstate 5 is approximately 800 feet

to the east of the project site. The project site is located in the Nestor Town Center of the Otay Mesa-Nestor Community Planning Area. The site has a land use designation of Park in the Community Plan, adopted in May of 1997.

The project site is bounded by Coronado Avenue to the north, the Nestor Methodist Church to the east, and Nestor Creek to the south and west. Beyond Nestor Creek lay single family homes. An elementary school, drive-in movie theater, and senior mobile home park exist north of the project site.

Past uses of the project site included a single-family house from the 1920s until about 1950. The site has remained undeveloped since removal of the former house in the 1950s. In the mid to late 1970s, the site was elevated with placement of fill material to prevent flooding from Nestor Creek. Because the project proposes the development of 50 affordable rental units at, or below, 65% of the Area Median Income (AMI), the land use approvals have been processed through the "Affordable/In-Fill Housing and Sustainable Buildings Expedite Program."

FISCAL IMPACT:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Loveland/Halbert/DES

LEGAL DESCRIPTION:

The project site is legally described as Lot 9 of Nestor, in the City of San Diego, County of San Diego, State of California, according to Licensed Survey Map No. 90, filed in the Office of the County Recorder of San Diego County. Excepting there from that portion lying easterly of the westerly line of Lot 5 of said Nestor, according to Licensed Survey Map No. 90, filed in the Office of the County Recorder of San Diego County, and the southerly prolongation of said westerly line to the southerly line of said Lot 9. Also excepting therefrom that portion lying within South Bay Estates Unit No. 2, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1005, recorded in the Office of the San Diego Recorder of San Diego County, February 20, 1981.

FILE LOCATION: LUP-Creelside Trails 9/12/04 (65)

COUNCIL ACTION: (Time duration: 7:26 p.m. – 8:01 p.m.)

Testimony in opposition by Amenda Caniya and Rocco Sgro.

Testimony in favor by Ginger Hitzke and Joe Foss.

MOTION BY INZUNZA TO ADOPT THE RESOLUTION IN SUBITEM A TO DENY THE APPEAL AND GRANT THE PERMIT; AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Madaffer. Passed by the following vote: Peters-not present, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-not present.

ITEM-333: Hillside Drive Residence.

As a property owner, tenant or interested citizen, that the Council of the City of San Diego, California, will conduct a public hearing as part of a scheduled City Council meeting, to either approve or deny, the balance of the project of a previously acted upon permit (CDP/HRP 96-7549), Hillside Drive Residence, Coastal Development Permit and Hillside Review Permit (Old Code). The Owner/Permittee of the property located at 7674 Hillside Drive (Lot 4, La Jolla Hillside, Map No. 8782) filed an application with the City of San Diego for a Coastal Development Permit/Hillside Review Permit (CDP/HRP) to construct a three story, 9,840 square foot, single-family home referred to as the Hillside Residence. The property was zoned R1-40,000 and Hillside Review Overlay Zone at the time of application (current zone RS-1-8), and lies within the La Jolla Community Planning Area. On April 8, 1999, the Planning Commission of the City of San Diego considered CDP/HRP Permit No. 96-7549, and pursuant to Resolution No. 2777-PC voted to approve the project. The decision of the Planning Commission was appealed to the City Council. On June 29, 1999, the City Council conducted a public hearing, and the appeal was continued in part, and denied in part as follows (1) CDP/HRP No. 96-7549 was approved for the construction of an interim access road/driveway to allow further geotechnical testing under the terms and conditions of the permit; and (2) the action of the appeal was continued as it relates to the balance of the project until staff returns with a full geotechnical analysis and recommendation. The applicant has completed the requested information, and is returning to the City Council for their review and decision on this matter.

(See City Manager Report CMR-04-205. Coastal Development Permit No. 125782 and Hillside Review Permit No. 125783 /PTS No. 37375. La Jolla Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A to deny the appeal and to uphold the decision of the Planning Commission and to grant the permits; adopt the resolution on subitem B.

Subitem-A: (R-2005-) CONTINUED TO TUESDAY, OCTOBER 5, 2004

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision of the Planning Commission, and granting or denying the Coastal Development Permit No. 125782 and Hillside Review Permit No. 125783, with appropriate findings to support the Council action.

Subitem-B: (R-2005-) CONTINUED TO TUESDAY, OCTOBER 5, 2004

Adoption of a Resolution stating for the record that the Mitigated Negative Declaration, LDR-96-7549, dated January 23, 1999, has been reviewed and considered prior to approving the project;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisor for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

Planning Commission Recommendation:

On April 8, 1999, the Planning Commission denied an appeal and approved the subject project by a vote of 6 to 0, with one additional condition. A condition requiring the applicant to enter into a Hold Harmless Agreement with the City was added to permit due to potential geologic hazards of the site.

Ayes: Anderson, Butler, Skorepa, Stryker, Watson, White
Not present: Steele

Community Planning Group Recommendation:

The La Jolla Community Planning Association voted 10-0-0 to recommend approval of the proposed project at their meeting of July 10, 1997.

FISCAL IMPACT:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

LEGAL DESCRIPTION:

The total lot area is 167,227 square feet (3.84 acres) and is zoned R1-8000 (panhandled portion only) and R1-4000, Hillside Review Overlay Zone. The project site is located at 7674 Hillside Drive in the La Jolla Community (Lot 4, La Jolla Hillside, Map 8782).

NOTE: The City of San Diego as Lead Agency under CEQA has reviewed and considered a Mitigated Negative Declaration, LDR File No. 96-7549, dated January 23, 1999, covering this activity. Adopted June 29, 1999, by Resolution No. R-291885.

FILE LOCATION: LUP-Hillside Drive Residence 9/12/04 (65)

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:13 p.m.)

MOTION BY FRYE TO CONTINUE THIS ITEM TO TUESDAY, OCTOBER 5, 2004, DUE TO THE LACK OF TIME. Second by Madaffer. Passed by the following vote: Peters-ineligible, Zuchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-334: Pacific Highlands Ranch, Units 17-22A.

Matter of approving, conditionally approving, modifying or denying a proposed development on a 244.71-acre site. The project proposes a Community Plan Amendment to designate a new location for the Fire Station within Pacific Highlands Ranch Subarea and a Street Vacation, Vesting Tentative Map, Planned Development Permit and Site Development Permit for Environmentally Sensitive Lands for 677 single family residences, 55 affordable housing units, a private recreation center and an elementary school site located west and east of Rancho Santa Fe Farms Road and north of Carmel Valley Road in the Pacific Highlands Ranch, Subarea III Planning Area.

(Pacific Highlands Ranch, Subarea III Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; and adopt the resolutions in subitems B, C, D, and E, and adopt the resolution in subitem F to grant the permits:

Subitem-A: (O-2005-34) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 4, 2004

Introduction of an Ordinance authorizing the City Manager to execute a first amendment to Pacific Highlands Ranch Subarea III NCFUA Fire Facility Site Purchase Agreement.

NOTE: 6 votes required for Subitem A.

Subitem-B: (R-2005-222) ADOPTED AS RESOLUTION R-299670

Adoption of a Resolution certifying that the Findings to Master Environmental Impact Report LDR No. 96-7918 (Project No. 2692), on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a vesting tentative map (with street and easement vacations), site development permit, and planned development permit for the Pacific Highlands Ranch, Units 17-22A Project;

That pursuant to California Public Resources Code section 21157.1 and California Code of Regulations section 15177, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the project specific Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this

body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-C: (R-2005-223) ADOPTED AS RESOLUTION R-299671

Adoption of a Resolution amending Pacific Highlands Ranch Subarea III Plan, a copy of which is on file in the office of the City Clerk.

Subitem-D: (R-2005-224) ADOPTED AS AMENDED AS RESOLUTION R-299672

Adoption of a Resolution vacating portions of Old Survey 57, also known as Black Mountain Road in Parcel 1 of Parcel Map 12337 in connection with Tentative Map No. 4653, as more particularly described in the legal description marked as Exhibit "A-1," and Exhibit "A-2," and shown on Drawing Nos. 20214-1B and 20214-2-B, marked as Exhibits "B-1," and "B-2," and on file in the office of the City Clerk, respectively, which are by this reference incorporated herein and made a part hereof;

That said street vacations is conditioned upon the implementation of the terms and conditions of Tentative Map No. 4653, satisfactorily to the City Engineer. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the Office of the County Recorder.

Subitem-E: (R-2005-225) ADOPTED AS RESOLUTION R-299673

Adoption of a Resolution adopting findings with respect to Vesting Tentative Map No. 4653;

That pursuant to California Government Code section 66434(g), portions of Black Mountain Road, also known as Old Survey No. 57, declared a public road by Board of Supervisors Minutes dated 27 February 1886, in Book 7, Page 200, located within the project boundaries as shown in Vesting Tentative Map No. 4653, shall be vacated, contingent upon the recordation of the approved final map of the project;

That the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 4653 is granted to Pardee Homes, Applicant and Latitude 33, Engineer, subject to the attached conditions which are made a part of this resolution.

Subitem-F: (R-2005-) GRANTED PERMITS, ADOPTED AS AMENDED, AS
RESOLUTION R-299674

Adoption of a Resolution granting or denying Planned Development Permit No. 4651 and Site Development Permit No. 4652, with appropriate findings to support council action.

OTHER RECOMMENDATIONS:

Planning Commission on August 12, 2004, voted 6-0 to approve; was opposition.

Ayes: Lettieri, Garcia, Steele, Otsuji, Chase, Ontai

Not present: Schultz

There is no officially recognized community planning group for this area.

CITY MANAGER SUPPORTING INFORMATION:

The City Council, on July 26, 2004, initiated a Subarea Plan Amendment to identify a fire station at a more centrally located site within the service area. An amendment to the Pacific Highlands Ranch Fire Station Purchase Agreement is also required to assure the site is available to the City. The Pacific Highlands Ranch, Units 17-22A project proposes to subdivide the 244.71 acre site to allow for the development of 677 single family structures as allowed by the Subarea Plan; 55 affordable housing units; public streets; private driveways with gated access; pedestrian under-crossings; preservation of open space; urban amenity with a trail; and homeowner association lots for slope maintenance and other improvements.

The project is classified as a priority project as defined by the City Storm Water Standards. The project is required to comply with the State Water Resources Control Board Order No. 92-08-DWQ (NPDES General Permit No. CAS0000002).

The proposed project provides 677 market-rate housing units at the maximum density allowed by the Pacific Highlands Ranch Subarea Plan. The North City Future Urbanizing Area Framework Plan and the Pacific Highlands Ranch Subarea Plan require new development provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Authority. The applicant has a master affordable housing program with the Housing Authority and will be building affordable units within the Subarea Plan to meet their affordable housing requirement.

The Pacific Highlands Ranch, Units 17-22A project is estimated to generate approximately 7,680 average daily trips. The project is subject to the Pacific Highlands Ranch/Subarea III Transportation Phasing Plan. The project would not result in any significant traffic impacts on the surrounding roadway network with the completion of the required transportation improvements.

The Carmel Valley Community Planning Group voted, on April 8, 2003 11:0:1 to recommend approval of the project, with conditions. Please see Planning Commission Report No. PC-04-122 for a full discussion.

The Planning Commission voted 6:1:0, on August 12, 2004, to recommend approval of the staff's recommendation.

City staff recommends the City Council STATE for the record that the information contained in the Project No. 2692/LDR File No. 420084 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and CERTIFY the Findings to Master Environmental Impact Report MEIR No. 96-7918 reflects the independent judgment of the City of San Diego as Lead Agency; and ADOPT the Mitigation Monitoring and Reporting Program; and City Council APPROVE Subarea Plan Amendment, Street Vacation No. 126273, Vesting Tentative Map No. 4653, Planned Development Permit No. 4651 and Site Development Permit No. 4652.

FISCAL IMPACT:

No cost to the City. All costs are recovered through a deposit account funded by the applicant.

Ewell/GWH/JSF

LEGAL DESCRIPTION:

The project site is located at the northwest corner of Carmel Valley Road and Rancho Santa Fe Farms Road in the Pacific Highlands Ranch Subarea III Planning Area of the North City Future Urbanizing Area (NCFUA)(Parcels A and C of Parcel Map 11718 except as follows: Parcel A consisting of Parcel 1 except that portion within the Parcel Map No. 18755, in the City of San Diego, County of San Diego, State of California; Parcel C consisting of Parcel 2, excepting that portion lying southerly of the baseline of that water easement (File No. 61545) in the City of San Diego, County of San Diego, State of California and Parcel B consisting of the west half of the southeast quarter of Section 9, Township 14 South, Range 3 West, San Bernardino Base Meridian, in the City of San Diego, County of San Diego, State of California).The site is not included on any Government Code Listing of hazardous waste sites.

FILE LOCATION: SUBITEMS A, B, C, E, & F: LUP-Pacific Highlands
Ranch, Units 17-22A
9/12/04 (65)
SUBITEM D: DEED F-9818

COUNCIL ACTION: (Time duration: 6:32 p.m. – 7:20 p.m.)

Testimony in opposition by John Millar, Michael Pallamary, Mark Farrington, and Dana Linett.

Testimony in favor by Beth Fischer.

MOTION BY PETERS TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND ADOPT THE RESOLUTIONS IN SUBITEMS B, C, D, AND E; AND ADOPT THE RESOLUTION IN SUBITEM F TO GRANT THE PERMITS WITH THE FOLLOWING AMENDMENTS: VACATE ONLY THE WEST SIDE OF OLD SURVEY NO. 57 AS DESCRIBED IN EXHIBIT “A-2” AND SHOWN IN EXHIBIT “B-2” IN THE RESOLUTION, AND AMEND THE PERMIT IN THE FINAL APPROVAL PLANS TO INDICATE A CHANGE IN THE LOCAL RESIDENTIAL STREETS AND PRIVATE DRIVEWAYS FROM A 34 FOOT CURB-TO-CURB DISTANCE TO A 32 FOOT CURB-TO-CURB DISTANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: In the Matter of the Final Report of the Pension Reform Committee.

(See the City of San Diego Pension Reform Committee Final Report dated 9/15/2004.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-303) ADOPTED WITH DIRECTION AS RESOLUTION
R-299675

Accepting the final report of the City of San Diego Pension Reform Committee;

Declaring that a sincere expression of gratitude be extended to the nine members of this committee on behalf of the Council of the City of San Diego, the citizens and taxpayers of the City of San Diego, and all current and former employees of the City of San Diego;

Dissolving the City of San Diego Pension Reform Committee.

CITY MANAGER SUPPORTING INFORMATION:

On September 9, 2003, the Mayor and City Council established the Pension Reform Committee (Committee) to address concerns about the current unfunded liability of San Diego City Employees Retirement System (SDCERS) and review the scope and depth of audits to be performed on SDCERS. On September 24, the nine Committee members were officially appointed by the Mayor and City Council. The objectives of the Committee were as follows:

1. Report back to the City Council no later than 120 days from the date appointments are confirmed.
2. After reviewing and considering the scope and depth of audit activity currently being conducted by SDCERS, conduct any additional or supplemental independent audits, studies, or investigations deemed necessary and appropriate.
3. Provide recommendations to address any unfunded liability problems of the system.

4. Examine how the existing pension system has performed compared to other similar systems, including examination of actions other systems have taken to address funding shortfall problems, such as issuance of pension obligation bonds.
5. Examine whether changes should be made to the existing pension system. Examine whether the make-up and representative constitution of the Retirement Board should be restructured.
6. Examine whether the system should be changed from a defined benefit plan to a defined contribution plan for new employees.
7. Examine whether the City should join the California Public Employees Retirement System or any other retirement system.
8. Make any other recommendations as appropriate.

The Committee held its first meeting on October 1, 2003 and established a weekly meeting schedule. A special web page was set-up on the City of San Diego's web site to provide the public with the minutes, agendas and background information on the Committee.

Since inception, the Committee has provided the Mayor and City Council with two interim reports on the status of their work. The first report, delivered on January 26, 2004, focused on the Committee's efforts to educate themselves about pension issues and their efforts to review the scope of SDCERS' audits. The second report, delivered on April 19, 2004, focused on the current funded status of the retirement system and the underlying causes of the unfunded.

Today's actions are to: a) accept the final report of the Pension Reform Committee; b) recognize the members of the Pension Reform Committee for their hard work on behalf of the City of San Diego; and c) officially dissolve the Pension Reform Committee.

Frazier

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:42 a.m. – 11:57 a.m.;
2:16 p.m. – 6:09 p.m.)

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY MANAGER TO: 1) DOCKET FOR ACTION IN TWO WEEKS THE RECOMMENDATIONS IN THE FINAL REPORT BY THE PENSION REFORM COMMITTEE THAT CAN BE LEGALLY IMPLEMENTED IMMEDIATELY; 2) INITIATE DISCUSSIONS FOR CONCESSIONS AS SOON AS POSSIBLE WITH ALL LABOR GROUPS; AND 3) FORWARD THE ISSUE TO KPMG. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 8:01 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 8:01 p.m.)